

Message Text

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TO AMCONSUL SAO PAULO PRIORITY

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FOR ALAN JAMES FROM WINSTON, S/AR

E.O. 11652: N/A

TAGS: PLOS, OVIP (RICHARDSON, ELLIOT)

SUBJECT: DRAFT STATEMENT FOR AMBASSADOR RICHARDSON

1. WINSTON HAS PREPARED FOLLOWING DRAFT STATEMENT FOR POSSIBLE USE BY AMBASSADOR RICHARDSON TO OPEN HIS PRESS CONFERENCE IN NEW YORK. WOULD APPRECIATE COMMENT BY CABLE IF FEASIBLE, BUT CAN WAIT FOR YOUR RETURN.

2. BEGIN TEXT:

WHEN THE SEVENTH SESSION OF THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA RECESSED IN GENEVA LAST MAY, IT CLOSED ON A NOTE OF SELF-SATISFACTION. EVEN THE MOST JADEO OBSERVER OF THIS LONG, TOUGH, COMPLEX INTERNATIONAL NEGOTIATION COULD NOT FAIL TO BE IMPRESSED BY ITS ELEVATED SENSE OF PURPOSE, ITS FRESH COMMITMENT TO REDUCE SEEMINGLY INTRACTABLE PROBLEMS THROUGH SOBER, REALISTIC GIVE-AND-TAKE.

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THE NEW ATTITUDES OF GENEVA GENERATED A MOMENTUM UNIQUE IN THE HISTORY OF THE CONFERENCE. THE VOTE TO RESUME THE SEVENTH SESSION IN NEW YORK REFLECTED A DETERMINATION TO ACCELERATE THIS MOMENTUM. IT INDICATED A POWERFUL RESOLVE TO CONTINUE THE ASSAULT ON HARD-CORE ISSUES WHICH, UNTIL GENEVA, HAD BEEN DISCUSSED IN GENERALITIES OR IN AN

IDEOLOGICAL CONTEXT.

IT MAY BE SAID ONE DAY THAT THE GENEVA PHASE WAS THE TURNING POINT IN THE LIFE OF THE CONFERENCE--THE TIME WHEN SUSPICIONS WERE CALMED AND NORTH AND SOUTH TACITLY AGREED THAT PRAGMATIC ECONOMIC CONSIDERATIONS SHOULD PREVAIL. FOR THE UNITED STATES, PROGRESS IN GENEVA WAS SUFFICIENT FOR US TO RENEW OUR PLEDGE TO PURSUE AN EQUITABLE TREATY BASED ON THE PRINCIPLE OF MUTUAL BENEFIT.

LET ME PAUSE AT THIS JUNCTURE TO EMPHASIZE THAT OUR SATISFACTION WITH THE GENEVA NEGOTIATIONS SHOULD NOT BE CONSTRUED TO MEAN THAT WE SEE A TREATY IN THE OFFING, OR IMMINENT SOLUTIONS TO THE HARD-CORE ISSUES. WE HAVE SERIOUS OBJECTIONS TO MANY PARTS OF THE GENEVA TEXTS AS WELL AS TO ELEMENTS OF THE INFORMAL COMPOSITE NEGOTIATING TEXT PRODUCED LAST YEAR AT THE CLOSE OF THE SIXTH SESSION. THESE DEAL MAINLY WITH THE SEABEDS AND THEY ARE FAR FROM BEING ACCEPTABLE.

THE GENEVA TEXTS ARE VALUABLE IN THAT THEY PROVIDE THE BASIS FOR FURTHER NEGOTIATIONS AND MOVE THE CONFERENCE CLOSER TO THE GOAL OF CONSENSUS. BUT IF THE SPIRIT AND THE DEDICATION OF THE CONFERENCE ARE AT NEW HEIGHTS, SO ARE THE BARRIERS TO CONSENSUS. THE WORK AHEAD ON MINING THE DEEP SEABEDS IS MORE DIFFICULT, MORE SUSCEPTIBLE TO IMPASSE THAN ANYTHING UNDERTAKEN PREVIOUSLY.
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AS WE BEGIN THESE CRUCIAL FOUR WEEKS, OUR FIRST ORDER OF BUSINESS SHOULD BE TO SELECT OUR GOALS WITH CARE. THE DISTINGUISHED PRESIDENT OF THE CONFERENCE, SHIRLEY AMERASINGHE, SAID IN THE FINAL PLENARY IN GENEVA THAT IT WAS IMPORTANT FOR THE NEGOTIATING GROUPS TO CONTINUE THEIR EFFORTS IN NEW YORK. WE SUPPORT THIS VIEW.

WE BELIEVE IT EQUALLY IMPORTANT THAT THE CONFERENCE REFRAIN FROM GOING BACK OVER THE TEXTS DEVELOPED IN GENEVA DURING THIS RESUMED SESSION. ALL DELEGATIONS RECOGNIZE THAT THE SUM OF AGREEMENTS REACHED TO THIS POINT HAVE A FILIGREE-LIKE CHARACTER. EACH IS DEPENDENT FOR ITS STRENGTH AND SURVIVAL ON OTHERS; EACH IS FRAGILE AND VULNERABLE BY ITSELF. TO TURN BACK NOW AND FOCUS ON A FEW ELEMENTS OF THE TEXTS COULD TOUCH OFF SHOCK WAVES WHICH ADVERSELY AFFECT MANY OTHERS. WE WOULD RATHER SEE A CONTINUATION OF FORWARD MOVEMENT AND CONSIDER CHANGES AT A LATER DATE IN LIGHT OF THE SEABEDS PACKAGE AS A WHOLE.

EVEN THOUGH IT IS FUELED WITH FRESH ENERGY, THE CONFERENCE CANNOT FAIL TO RECOGNIZE THAT TIME IS RUNNING AGAINST IT.

PRIVATE CORPORATIONS REPRESENTING SEVERAL INDUSTRIALIZED NATIONS HAVE ALREADY RISKED HEAVY INVESTMENT OF THEIR FUNDS IN SEABED MINING RESEARCH. COMMERCIAL APPLICATION OF THEIR RAPIDLY ACCRUING TECHNOLOGY IS BUT A FEW YEARS AWAY.

IN LIGHT OF THESE DEVELOPMENTS, THE CONGRESS OF THE UNITED STATES IS WELL ON ITS WAY TO ENACTING LEGISLATION UNDER WHICH SEABED MINING INVOLVING AMERICAN CORPORATIONS WILL TAKE PLACE. THIS LEGISLATION IS AS INTERNATIONAL AS IT IS DOMESTIC IN ITS ORIENTATION:

--IT DOES TAKE COGNIZANCE OF OUR RESPONSIBILITIES UNDER THE CONCEPT OF THE COMMON HERITAGE.

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-- IT DOES PASS OUT OF EXISTENCE AS SOON AS A UNITED NATIONS LAW OF THE SEA TREATY COMES INTO FORCE.

-- IT DOES REQUIRE A SET-ASIDE OF REVENUES FOR DEVELOPING COUNTRIES.

-- IT DOES ESTABLISH STRINGENT STANDARDS FOR PROTECTION OF THE OCEAN ENVIRONMENT.

-- IT DOES NOT ASSERT ANY RIGHT OF SOVEREIGNTY OVER OCEAN MINE SITES.

-- IT DOES NOT DECLARE OR IMPLY AN INTENTION TO REMAIN OUTSIDE THE JURISDICTION OF AN INTERNATIONAL SEABED AUTHORITY.

I DESCRIBE THESE EVENTS TO STRESS THAT THE FORCES NOW IN MOTION ARE MOVING ACROSS A BROAD FRONT. THEY CANNOT BE ARRESTED OR TURNED BACK.

TURNING AGAIN TO THE NEGOTIATIONS HERE, AMERICAN DIPLOMACY RETAINS THE SAME FUNDAMENTAL OBJECTIVE THAT IT HAS HELD THROUGHOUT THE DELIBERATIONS ON THE LAW OF THE SEA. WE STILL BELIEVE THE MEASURE OF SUCCESS OF THIS CONFERENCE IS THAT NO NATION IS LEFT WITH ITS ESSENTIAL INTERESTS IMPAIRED.

FOR THE UNITED STATES, OUR ESSENTIAL INTERESTS CONTEMPLATE THE CREATION OF A PARALLEL SYSTEM OF MINING WHICH ATTRACTS INVESTMENT, IS ECONOMICALLY VIABLE OVER THE LONG TERM, AND ACCOMMODATES THE JUST CLAIMS OF THE THIRD WORLD. THIS SYSTEM SHOULD INSURE ACCESS AND TENURE BY ALL QUALIFIED MINERS, SET REALISTIC PRODUCTION CONTROLS AND FINANCIAL LIMITED OFFICIAL USE

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ARRANGEMENTS, PROVIDE FOR TRANSFER OF TECHNOLOGY UNDER FAIR COMMERCIAL TERMS AND CONDITIONS, AND BE GOVERNED BY AN INTERNATIONAL BODY PLACING SIGNIFICANT WEIGHT ON SUCH FACTORS AS INVESTMENT, PRODUCTION, AND CONSUMPTION.

THE SUM OF OTHER BENEFITS YIELDED BY THE CONFERENCE, WHILE THEY ARE NUMEROUS AND IMPRESSIVE, WOULD NOT BE ENOUGH TO PERSUADE US TO ACCEPT ANYTHING LESS.

SUCH IS THE BACKDROP AGAINST WHICH WE RESUME OUR WORK. ENCOURAGING ON THE ONE HAND WITH FRESH EFFORT, FRESH PROGRESS, FRESH WILL--LESS SO ON THE OTHER WITH MASSIVE PROBLEMS REQUIRING ALL OF OUR COLLECTIVE WISDOM AND PATIENCE TO HARNESS.

END TEXT

3. PLEASE INFORM AMBASSADOR RICHARDSON THAT MAGAZINE TRANSCRIPT HAS NOT YET BEEN RECEIVED FOR REVIEW. WE ARE CONTINUING TO PRESS FOR IT AND WILL FORWARD UPON RECEIPT.

CHRISTOPHER

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